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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/859,660	05/16/2001	Guy Eden	SLA 1014	3934	
7590	11/03/2005		EXAMINER		
Scott C. Krieger Patent Attorney Sharp Laboratories of America, Inc. 5750 NW Pacific Rim Boulevard Camas, WA 98607			REFAI, RAMSEY		
			ART UNIT		PAPER NUMBER
			2152		
DATE MAILED: 11/03/2005					

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/859,660	Applicant(s) EDEN, GUY	
	Examiner Ramsey Refai	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-20 and 22-26 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the Supplemental Appeal Brief filed on August 15, 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

2. Claims 7 and 21 have been previously canceled. Claim 1-6, 8-20, and 22-26 remain pending examination.

### ***Claim Objections***

3. Claim 4 is objected to because of the following informalities: the term "of" in line 2 should be deleted. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 1-6, 8-20, and 22-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 15, it is not clear why the devices are queried to “determine their availability” following the building of the GUI that represents “the availability of known network devices”. Claim language is very confusing due to its lack of clarity therefore the claims are rendered indefinite.

In claims 3 and 17, it is not clear why the devices are represented *unavailable* since the GUI supposedly represents “**the availability** of known network devices”. Also in claim 3, it is not clear what the limitation “to querying device user interface command” means.

In claims 1-6, 8-20, and 22-26, the claim language is not consistent, very unclear and very confusing. For example, in claim 4, it is not clear if the limitation “the network-connected devices” is referring to “the known network devices” previously mentioned or other network devices. Then in claims 5-6, a new limitation “a network connected device” is introduced and causes further confusion on what all these devices are. Another example is the limitation “a query reply”, which is recited in several claims. In each claim, it’s not clear if the claim is referring to the same *query reply* or a new query reply since the claim language fails to use the term ~~–the–~~ before query reply to signify that this is the same query reply as was previous stated. If this is intended to refer to *another* query reply, Examiner suggests that Applicant amend claims to recite, for example, ~~–a second query reply–~~ or ~~–another query reply–~~, etc.

In claims 6 and 20, the term “the particular network connected device” lacks sufficient antecedent basis for this limitation in the claims.

In claims 4 and 18, the term “the GUI representation” lacks sufficient antecedent basis for this limitation in the claims.

There are more instances throughout the entire set of claims, which are inconsistent and therefore render the claims indefinite. Examiner respectfully requests that the Applicant ensure that the entire set of claims meet the requirement of 112-second paragraph, not only correct the examples that the Examiner has presented.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-5, 12-19, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Carcerano et al (U.S. Patent No. 6,308,205).

7. As per claims 1 and 15, Carcerano et al teach a method for a querying device to determine the availability of network-connected devices, the method comprising:

at a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices (**column 2, lines 46-54, column 11, lines 38-**

**51, column 14, lines 47-67; data to fill a template, which is used to construct the interface, is obtained from a database);**

following the building of the GUI, querying the known network-connected devices to determine their availability **(Figure 9, column 15, line 42-column 16, line 3).**

8. As per claims 2 and 16, Carcerano et al teach a method further comprising:

at a querying device user interface, issuing a command requesting the availability of devices known to be connected to the network **(column 15, line 42-column 16, line 3); and**

building a GUI representing the availability of known network devices includes building the GUI in real-time, in response to querying device user interface command **(column 2, lines 46-54).**

9. As per claims 3 and 17, Carcerano et al teach: following the building of the GUI, representing each of the known network-connected devices in the GUI as unavailable **(column 15, lines 42-48; user needs to click on a device name in order to view status).**

10. As per claims 4 and 18, Carcerano et al teach wherein querying of the known network-connected devices includes:

spawning a thread from the querying device to query each of the network-connected devices ; receiving a query reply from a network connected device; and in response to receiving a query reply from a network connected device, changing the GUI representation of that particular network device to available **(column 2, lines 12-26, column 14, lines 38-66).**

11. As per claims 5 and 19, Carcerano et al teach:

failing to receive a query reply from a network connected device; and in response to failing to receive a query reply from a network connected device, maintaining the GUI representation of the particular network device as unavailable (**column 2, lines 12-26, column 14, lines 38-66**).

12. As per claim 12, Carcerano et al teach accepting a periodic refresh command; and wherein building a GUI representing the availability of known network-connected devices includes refreshing the GUI in response to a refresh command (**Figure 8A, column 13, line 58-column 14, line 30**).

13. As per claim 13, Carcerano et al teach a method of building a graphical user interface (GUI) representing the availability of the network-connected devices independent of system timeouts, the method comprising;

from a querying device, building a graphical user interface (GUI) representing the availability of known network-connected devices (**column 2, lines 46-54, column 11, lines 38-51, column 14, lines 47-67; data to fill a template, which is used to construct the interface is obtained from a database**);

initially representing the network-connected devices as unavailable (**column 2, lines 46-54, column 11, lines 38-51, column 14, lines 47-67; data on device status is stored in database and is loaded into interface as a template**) and

modifying the GUI to represent available network devices in response to communicating with those particular network-connected devices (**Figure 9, column 15, line 42-column 16, line 3**).

14. As per claim 14, Carcerano et al teach: maintaining the GUI to represent unavailable network devices in response to not communicating with those particular network-connected devices (**Figure 9, column 15, line 42-column 16, line 3; queries are sent to update status**).

15. As per claim 25, Carcerano et al teach issuing commands requesting the availability of the network-connected devices includes requesting the availability of network-connected devices selected from the group including printers, copiers, scanners, faxes, automatic teller machines (ATMs), remote sensors, virtual private network (VPN) devices, satellite devices, and other computers (**column 1, lines 17-29**).

### ***Claim Rejections - 35 USC § 103***

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. Claims 6, 8-11, 20, 22-24, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carcerano et al in view of AAPA.



18. As per claims 6 and 20, Carcerano et al fail to explicitly teach: accepting a timeout period for each network connected device query; and if the timeout period expires before a query reply is received, determining that the particular network connected device is unavailable.

19. However, AAPA teach accepting a timeout period for each network connected device query; and if the timeout period expires before a query reply is received, determining that the particular network connected device is unavailable (**paragraph [0005-0007], Figure 2**). It would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Carcerano et al and AAPA because doing so would provide an efficient way of querying multiples devices by setting up time limits for each query in order limit the query of device and not waste time if the device is unavailable.

20. As per claims 8 and 22, Carcerano et al teach spawning a thread from the querying device to query each of the known network-connected devices includes using a function selected from the group including a Sockets connect function, a ping function, and an NSLookup function (**column 2, lines 13-15; polling**).

21. As per claims 9, 10, 23, and 24, Carcerano et al fail to teach spawning a thread from the querying device to query each of the network-connected devices includes requesting a True/False answer, wherein changing the GUI representation of that particular network device to available in response to a True Answer and returning a False answer if the timeout periods expires before a query reply is received and maintaining the GUI representation of the particular network device as unavailable in response to the False answer.

22. However, AAPA teach spawning a thread from the querying device to query each of the network-connected devices includes requesting a True/False answer, wherein changing the GUI representation of that particular network device to available in response to a True Answer and returning a False answer if the timeout period expires before a query reply is received and maintaining the GUI representation of the particular network device as unavailable in response to the False answer (**Figure 2, paragraph [0005-0007]**). It would have been obvious to one of the ordinary skill in the art at the time of the Applicant's invention to combine the teachings of Carcerano et al and AAPA because doing so would provide a method of querying devices for status information by labeling a device as available if the device replies to a query and unavailable if the device fails to respond.

23. As per claims 11, Carcerano et al teach issuing commands requesting the availability of the network-connected devices includes requesting the availability of network-connected devices selected from the group including printers, copiers, scanners, faxes, automatic teller machines (ATMs), remote sensors, virtual private network (VPN) devices, satellite devices, and other computers (**column 1, lines 17-29**).

24. As per claim 26, Carcerano et al teach accepting a periodic refresh command; and wherein building a GUI representing the availability of known network-connected devices includes refreshing the GUI in response to a refresh command (**Figure 8A, column 13, line 58-column 14, line 30**).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Langfahl, Jr. (U.S. Patent No. 6,031,528)
- b. Ahearn et al (U.S. Patent No. 5,926,463)
- c. McGrane et al (U.S. Patent No. 6,496,927)
- d. Wugofski (U.S. Patent No. 6,556,219)

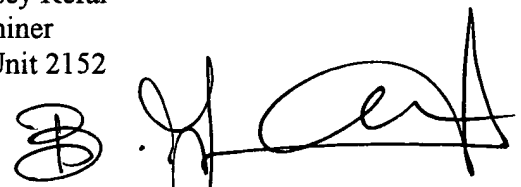
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

October 26, 2005

Ramsey Refai  
Examiner  
Art Unit 2152

  
**BUNJOB JAROENCHONWANIT**  
**PRIMARY EXAMINER**